

Document No. 4360
Voted at Meeting of 10/13/83
MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding made this _____ day of _____ 1983 by and between the Boston Redevelopment Authority (the "BRA") the Boston Landmarks Commission (the "BLC"), and Franklin Place Associates.

WHEREAS, the BRA and BLC have been engaged jointly in the preparation of a study of a portion of the central business district of Boston referred to as the "Commercial Palace District," which study is dated July, 1983; and

WHEREAS, the BLC has, pursuant to Chapter 772 of the Acts of 1975, been evaluating the building located at 26-28 Summer Street, 30 Summer Street, and 84-88 Hawley Street (commonly known and referred to herein as the "Kennedy's Store") and the building located at 93-101 Arch Street ("Arch Street" and collectively with the Kennedy's Store the "Site") for designation as landmarks;

WHEREAS, Franklin Place Associates has proposed an office and retail project (the "Project") to be constructed on the Site, which Project would require zoning approvals subjecting the Project design review by the BRA;

NOW, THEREFORE, the parties agree as follows:

1. That the design of the Project shall incorporate but not be limited to the following characteristics:

- a. The now existing panel brick facade of the third through fifth floors of the Summer Street facade of the Kennedy's Store will be retained and, with the first and second storey storefront be rehabilitated consistent with the guidelines for the Commercial Palace District; published in the "Commercial Palace District" study dated July, 1983 ("the Guidelines").
- b. The portion of the now existing panel brick facade of the Hawley Street elevation for a distance of no less than thirty (30) feet from Summer Street, and the street level arch detail of that facade, shall be retained and rehabilitated consistent with the Guidelines;
- c. The Arch Street facade of 93-101 Arch Street shall be retained and rehabilitated consistent with the Guidelines and shall be connected to the Project so as to retain the sense of the volume of the building as it exists, such facade to be connected to the balance of the building so as to create a sense of integration of such facade with the balance of the building.
- d. The building located at 63 Franklin Street will be rehabilitated consistent with the Guidelines.
- e. Any new office tower constructed upon the Site shall be set back a minimum of thirty (30) feet from the Summer Street property line (the property line being the building line);
- f. The height of the project shall be between 280 feet (translated as 20 floors of office above three levels of parking) and 348 feet (translated as 25 floors of office above three levels of parking), including mechanicals, the final height to be the subject of continuing design review which will take into account the economic feasibility of the Project.

g. Materials and design used for new construction shall be consistent with the portion of the Guidelines pertaining to Major New Construction Affecting the District and should be a compatible with the preserved facades. To the extent that the Guidelines are in conflict with the specific characteristics described above, those specific characteristics shall govern.

2. The BRA agrees to transmit to BLC for concurrent review such applications, plans, and specifications as it shall receive in connection with the Project insofar as such materials relate to or affect the exterior of the project. The BRA further agrees to advise the BLC of any design review meetings with Franklin Place Associates or its consultants and to invite participation by BLC representatives.

3. The BLC agrees to review the materials so submitted by the BRA and to comment to the BRA, in a timely manner consistent with the BRA's commitment to respond to Franklin Place Associates, such comments to include its assessment of the consistency of the project with the design guidelines set forth in Section 1 hereof and the provisions of the Commercial Palace Study. In connection with the discharge of its review responsibilities, the Boston Landmarks may hold such public hearings, informational meetings and/or discussions with interested members of the general public and special interest groups as it may deem appropriate.

4. The BRA agrees that it will use good faith and best efforts to support the recommendations of the BLC and to incorporate the same into its design review of the Project.

5. Franklin Place Associates agrees that it will seek to prevent the buildings affected by the project from being demolished in whole or in part prior to the completion of the procedures outlined above and will not waive its purchase requirement that the property will be delivered with buildings intact. Franklin Place Associates will advise the BRA and BLC if, at any time, Franklin Place Associates decides to abandon pursuit of the project.

6. Franklin Place Associates agrees that it will not seek to change its designers for the project (both Architect and Preservation Consultant) without the concurrence of the parties, which shall not be unreasonably withheld.

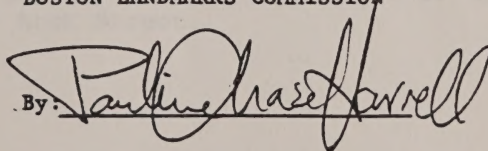
7. All parties agree that if any party violates the nature or intent of the agreement that any party may terminate the agreement and seek such remedies as may be available. Should any party choose to terminate its involvement in the agreement, the remaining parties to the agreement agree to abide by its terms and to endeavor to implement its provisions pertaining to the design of the project (Item 1 above).

Executed this day of October, 1983.

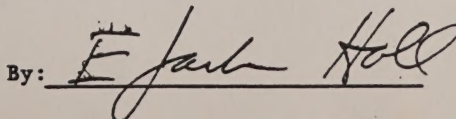
BOSTON REDEVELOPMENT AUTHORITY

BOSTON LANDMARKS COMMISSION

By: _____
Robert J. Ryan, Director

By: 

FRANKLIN PLACE ASSOCIATES

By: 

MEMORANDUM

OCTOBER 13, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY 11360

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: EXECUTION OF MEMORANDUM OF UNDERSTANDING
CONCERNING THE SO-CALLED KENNEDY STORE PROPERTY
SUMMER, ARCH, AND HAWLEY STREETS

As you are aware, the prospective developers for the Kennedy Store property have proposed an office and retail project be constructed on the site of the Kennedy Store and adjacent property. The developers have been working with the Authority and the Landmarks Commission to provide for a mechanism to ensure retention of a number of characteristics of the present buildings while allowing limited new development to take place within the block.

Attached is a Memorandum of Understanding agreed to by the Landmarks Commission and Franklin Place Associates, the prospective developer of the site. The Memorandum outlines the involvement of the parties and provides for continuing design review by the Authority, with participation by the Landmarks Commission. The agreement speaks for itself: it allows for retention of the brick facade on Summer and Arch Streets, and limited portions of the facade on Hawley Street. It allows for a new office element of approximately twenty to twenty-five stories, with parking, to be set back at least thirty feet from Summer Street and with the final height subject to continuing design review.

As this agreement finalizes a number of understandings between the parties, it is recommended that the Director be authorized to execute the agreement on behalf of the Authority.

VOTED: That the Director be, and hereby is, authorized to execute the attached two page Memorandum of Understanding between the Authority, the Boston Landmarks Commission and Franklin Place Associates concerning the so-called Kennedy Store property located at 26-28 and 30 Summer Street, 84-88 Hawley Street, and 93-101 Arch Street.

